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**Calendar No. 606**

101ST CONGRESS
*2d Session*

SENATE

REPORT
101-331

# CIVIL WAR SITES STUDY ACT OF 1990

JUNE 12 (legislative day, JUNE 11), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

together with

## MINORITY VIEWS

[To accompany S. 1770]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1770) to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the national park system, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil War Sites Study Act of 1990".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(a) the term "Commission" means the Civil War Sites Advisory Commission established in section 5 of this Act;

(b) the term "Secretary" means the Secretary of the Interior; and

(c) the term "Shenandoah Valley Civil War sites" means those sites and structures situated in the Shenandoah Valley in the Commonwealth of Virginia which are thematically tied with the nationally significant events that occurred in the region during the Civil War, including, but not limited to, General Thomas "Stonewall" Jackson's 1862 "Valley Campaign" and General Philip Sheridan's 1864 campaign culminating in the battle of Cedar Creek on October 19, 1864.

SEC. 3. FINDINGS.

The Congress finds that—



S313-29

(1) many sites and structures associated with the Civil War are located in regions which are undergoing rapid urban and suburban development;

(2) such sites and structures represent important means by which the Civil War may continue to be understood and interpreted by the public; and

(3) it is important to obtain current information on the significance of such sites, threats to their integrity, and alternatives for their preservation and interpretation for the benefit of the Nation.

SEC. 4. SHENANDOAH VALLEY CIVIL WAR SITES STUDY.

(a) STUDY.—(1) The Secretary is authorized and directed to prepare a study of Shenandoah Valley Civil War sites. Such study shall identify the sites, determine the relative significance of such sites, assess short- and long-term threats to their integrity, and provide alternatives for the preservation and interpretation of such sites by Federal, State and local governments, or other public or private entities, as may be appropriate. Such alternatives may include, but need not be limited to, designation as units of the National Park System or as affiliated areas.

(2) The study shall contain an analysis of the economic effect that protection of Shenandoah Valley Civil War sites would have on the economy in the Shenandoah Valley.

(3) The study shall include the views and recommendations of the National Park System Advisory Board.

(b) TRANSMITTAL TO CONGRESS.—Not later than one year after the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit such study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 5. ESTABLISHMENT OF CIVIL WAR SITES ADVISORY COMMISSION.

(a) IN GENERAL.—There is hereby established the Civil War Sites Advisory Commission. The Commission shall consist of thirteen members appointed as follows:

(1) five citizens who are nationally recognized as experts and authorities in the history of the Civil War, appointed by the President;

(2) the Director of the National Park Service or his designate;

(3) the Chairman of the Advisory Council on Historic Preservation;

(4) three citizens appointed by the President Pro Tempore of the United States Senate in consultation with the Chairman and Ranking Minority Member of the Committee on Energy and Natural Resources; and

(5) three citizens appointed by the Speaker of the United States House of Representatives in consultation with the Chairman and Ranking Minority Member of the Committee on Interior and Insular Affairs.

(b) CHAIRMAN.—The Commission shall elect a chairman from among its members.

(c) VACANCIES.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(d) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(e) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the Chairman or a majority of the members of the Commission.

(f) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(g) TERMINATION.—The Commission established pursuant to this section shall terminate 180 days after the transmittal of the report to Congress as provided in section 8(c).

SEC. 6. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of an Executive Director and such additional professional personnel as may be necessary to enable it to carry out its functions, provided that any Federal employee subject to the civil service laws and regulations who may be assigned or detailed to the Commission shall retain civil service status, without interruption or loss of status or privilege.

(b) STAFF OF OTHER AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties.

(c) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall, on a reimbursable basis, provide such administrative support services as the Commission may request.

SEC. 7. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out its functions under this Act.

(c) DELEGATION.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) DONATIONS.—Notwithstanding any other provision of law, the Commission may seek and accept donation of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(e) FUNDS FROM OTHER SOURCES.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) MAILS.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(g) PROPERTY.—The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PREPARATION OF STUDY.—The Commission shall prepare a study of historically significant sites and structures in the United States associated with military action during the Civil War, other than Shenandoah Valley Civil War sites. Such study shall identify the sites, determine the relative significance of such sites, assess short- and long-term threats to their integrity, and provide alternatives for the preservation and interpretation of such sites by Federal, State and local governments, or other public or private entities, as may be appropriate. Such alternatives may include, but need not be limited to, designation as units of the National Park System or as affiliated areas. The study may include existing units of the National Park System.

(b) CONSULTATION.—During the preparation of the study referred to in subsection (a), the Commission shall consult with the Governors of affected States, affected units of local government, State and local historic preservation organizations, and such other interested parties as the Commission deems advisable.

(c) TRANSMITTAL TO THE PRESIDENT AND CONGRESS.—Not later than 2 years after the date that funds are made available for the study referred to in subsection (a), the Commission shall transmit such study to the President and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are herby authorized to be appropriated such sums not to exceed $2,000,000 to carry out the purposes of this Act.

## PURPOSE OF THE MEASURE

The purposes of S. 1770, as ordered reported, are to direct the Secretary of the Interior to conduct a study of Civil War sites located in the Shenandoah Valley in Virginia, and to establish a Civil War Sites Advisory Commission to conduct a nationwide study of other historically significant Civil War sites in the United States.

## BACKGROUND AND NEED

Virginia's Shenandoah Valley served as the site for a number of important battles during the Civil War. The battles were fought in two distinct phases—the first during Confederate General Stonewall Jackson's 1862 summer Shenandoah Valley campaign, and the second during the Union Army's 1864 fall campaign under General Phil Sheridan.

In May of 1862, George McClellan's 100,000 man Army of the Potomac had advanced almost to the outskirts of Richmond, the capital of the Confederacy. In addition, another 25,000 Union troops were stationed nearby at Fredericksburg. In an attempt to prevent the reinforcements from reaching McClellan's army, General Lee sent Stonewall Jackson to create a diversion in the Shenandoah Valley, approximately 100 miles northwest of Richmond.

Jackson led his troops to a series of quick victories in several battles throughout the valley, eventually driving the Union troops stationed there across the Potomac. These quick victories, at McDowell, Front Royal, and Winchester, brought Richmond the relief Lee had desired. After learning of the Union Army defeats, President Lincoln redirected the reinforcements proceeding toward Richmond, and instead ordered them into the valley, in an attempt to stop Jackson. For days, the numerically superior Union troops chased Jackson up the valley before fighting the final two battles of the campaign at Cross Keys and Port Republic. Jackson's Shenandoah Valley campaign is still regarded as a classic military example of combining speed and knowledge of the local terrain to compensate for a numerical disadvantage in troop size.

The second series of major battles occurred in the valley during the fall of 1864, as the Army of the Shenandoah moved through the valley under the command of Sheridan. Sheridan, who enjoyed a large advantage in troop strength, overwhelmed the Confederate Army in battles at Winchester, Fisher's Hill and Tom's Creek. The campaign's major battle occurred during the battle of Cedar Creek, when the Confederates, who had been driven virtually out of the valley, counterattacked. After suffering an initial setback, Sheridan's troops routed the Confederates in one of the most decisive victories of the war.

Until recently, most of the Shenandoah Valley battle sites have remained in the same type of agricultural use since the war. Recently, however, increasing development has begun to threaten the integrity of these sites.

S. 1770 will allow the Civil War sites in the Shenandoah Valley to be studied in an expeditious manner to determine what sites should be protected, if any, and what form of preservation and interpretation would be most appropriate.

## LEGISLATIVE HISTORY

S. 1770 was introduced by Senators Jeffords, Leahy, Warner and Robb on October 19, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on March 28, 1990.

At the business meeting on May 23, 1990, the Senate Committee on Energy and Natural Resources ordered S. 1770, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a majority vote of a quorum present, recommends that the Senate pass S. 1770, if amended as described herein.

The roll call vote on reporting the measure was 12 yeas, 7 nays, as follows:

| YEAS | NAYS |
|---|---|
| Mr. Johnston | Mr. McClure [1] |
| Mr. Bumpers | Mr. Hatfield [1] |
| Mr. Ford | Mr. Wallop |
| Mr. Bradley | Mr. Murkowski |
| Mr. Bingaman [1] | Mr. Nickles |
| Mr. Wirth | Mr. Garn [1] |
| Mr. Conrad [1] | Mr. McConnell [1] |
| Mr. Heflin [1] | |
| Mr. Rockefeller | |
| Mr. Akaka | |
| Mr. Domenici | |
| Mr. Burns | |

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 1770, the Committee adopted an amendment in the nature of a substitute.

The amendment directs the Secretary of the Interior to study sites and structures within the Shenandoah Valley in Virginia associated with the Civil War, and to report to Congress within one year after the date funds are made available for the study. The purpose of the study is to identify the sites, assess short- and long-term threats to their integrity and provide alternatives for the preservation and interpretation of such sites by Federal, State, and local governments, or other public or private entities, as may be appropriate. The Shenandoah Valley study provisions of the amendment are similar to the study provisions contained in S. 1770, as introduced.

The Committee notes that the Virginia Board of Historic Resources has been actively involved in the preservation of Civil War sites within the Shenandoah Valley and elsewhere in the Commonwealth of Virginia. The Committee encourages the Secretary to consult with the Board during the preparation of the study.

The substitute also establishes a 13-member Civil War Sites Advisory Commission. The Commission is to consist of five members recognized as experts and authorities in the history of the Civil War and appointed by the President, the Director of the National Park Service, the Chairman of the Advisory Council on Historic Preservation, three members appointed by the President Pro Tempore of the Senate and three members appointed by the Speaker of

the House of Representatives. The Commission is authorized to hire an Executive Director and other staff. This authority is explained in detail in the section-by-section analysis below.

The Commission is directed to prepare a study of historically significant sites and structures associated with military action in the Civil War, other than those sites studied by the Secretary in the Shenandoah Valley study. The study is to identify sites, determine the relative significance of the sites, recommend Federal, State and local preservation and interpretation alternatives.

Not later than 2 years after the date funds are made available for the Commission's study, the Commission is directed to transmit the study to the President and the appropriate Congressional Committees. The Commission is to terminate 6 months after the transmittal of the report.

Finally, the amendment authorizes the appropriation of $2,000,000 to carry out the purposes of the Act.

SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the bill the "Civil War Sites Study Act of 1990".

*Section 2* defines certain terms used in the Act.

*Section 3* contains the Congressional findings.

*Section 4* authorizes and directs the Secretary of the Interior (the "Secretary") to prepare a study of Shenandoah Valley Civil War sites. The study is to identify the sites, determine the relative significance of the sites, assess short- and long-term threats to their integrity, and provide alternatives for the preservation and interpretation of the sites by Federal, State and local governments, or other public or private entities, as may be appropriate.

The subsection also provides that the study is to contain an analysis of the economic effect that protection of the sites would have on the economy in the Shenandoah Valley.

Subsection (b) requires the Secretary to transmit the study to Congress not later than 1 year after the date that funds are made available for the study.

*Section 5* establishes the Civil War Sites Advisory Commission (the "Commission").

Subsection (a) establishes a 13 member Commission, to consist of the Director of the National Park Service, the Chairman of the Advisory Council on Historic Preservation, five citizens who are nationally recognized as experts and authorities in the history of the Civil War to be appointed by the President, three citizens appointed by the President Pro Tempore of the Senate (in consultation with the Chairman and Ranking Minority Member of the Energy and Natural Resources Committee), and three citizens appointed by the Speaker of the House (in consultation with the Chairman and Ranking Minority Member of the Interior and Insular Affairs Committee).

Subsection (b) directs the Commission to elect a Chairman from among its members.

Subsection (c) provides that vacancies on the Commission shall not affect the authority of the remaining members of the Commission to carry out the Commission's functions. Any vacancies are to

be prompty filled in the same manner in which the original appointment was made.

Subsection (d) states that a simple majority of Commission members shall constitute a quorum.

Subsection (e) requires the Commission to meet at least quarterly or upon the call of the Chairman or a majority of the Commission members.

Subsection (f) provides that members of the Commission are to serve without compensation, except that when engaged in official Commission business, they are entitled to travel expenses, including per diem.

Subsection (g) terminates the Commission 180 days after the date the report is transmitted to Congress pursuant to section 8(c).

*Section 6* pertains to the staff of the Commission.

Subsection (a) authorizes the Commission to hire and fix the compensation of an Executive Director and additional professional personnel as may be necessary to carry out its functions. Staff is to be appointed without regard to the civil service laws, except that any Federal employee who is subject to the civil service laws who is assigned to the Commission shall retain civil service status, without interruption or loss of status or privilege.

Subsection (b) provides that upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties.

Subsection (c) allows the Commission to procure temporary and intermittent services.

Subsection (d) directs the Administrator of the General Services Administration to provide, on a reimbursable basis, such administrative support services as the Commission requests.

*Section 7* deals with the powers of the Commission.

Subsection (a) authorizes the Commission to hold hearings, sit and act at such times and places, take testimony, and receive evidence as the Commission deems advisable.

Subsection (b) provides that the Commission may make such bylaws, rules, and regulations, consistent with this Act, as the Commission considers necessary to carry out its functions.

Subsection (c) states that any member or agent of the Commission may take any action the Commission is authorized to take, when so authorized by the Commission.

Subsection (d) provides that notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or services for the purpose of carrying out its duties.

Subsection (e) allows the Commission to use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive the money.

Subsection (f) states that the Commission may use the United States mails in the same manner and conditions as other departments and agencies of the United States.

Subsection (g) authorizes the Commission to obtain property, facilities, and services by purchase, donation, or otherwise, except that the Commission may not acquire any real property or interest in real property.

*Section 8* details the duties of the Commission.

Subsection (a) directs the Commission to prepare a study of historically significant sites and structures in the United States associated with the Civil War, other than Civil War Sites located in the Shenandoah Valley in Virginia. The study is to identify the sites, determine the relative significance of the sites, assess short- and long-term threats to their integrity, and provide Federal, State, and local preservation and interpretation alternatives. Alternatives may include, but are not limited to, designation as units of the National Park System or affiliated areas.

Subsection (b) provides that during the preparation of the study, the Commission shall consult with the Governors of affected States, State and local historic preservation organizations, and other interested parties.

Subsection (c) requires the Commission to transmit the study to the President and the appropriate Congressional Committees not later than two years after the date funds are made available for the study.

*Section 7* authorizes the appropriation of $2,000,000 to carry out the purposes of this Act.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 29, 1990.*

Hon. J. BENNETT JOHNSTON, Jr.,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1770, the Civil War Sites Study Act of 1990, as ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 1990. Assuming appropriation of the necessary sums, implementation of the bill would cost $2 million during fiscal years 1991 and 1992.

S. 1770 would direct the Secretary of the Interior to prepare and submit a study of Civil War sites in the Shenandoah Valley. Section 5 of the bill would establish a 13-member advisory commission to conduct a similar study of Civil War sites in other parts of the United States. For the purpose of preparing the two studies, S. 1770 would authorize appropriations of up to $2 million. (The commission also would be permitted to seek funding from other sources such as grants and private donations.)

Assuming appropriation of the necessary funds, CBO estimates that the National Park Service would spend $250,000 during fiscal year 1991 to complete the one-year Shenandoah study. The remaining $1.75 million would be spent by the advisory commission during fiscal years 1991 and 1992. Collections and spending by the commission of funds from other sources would have no significant effect on the federal budget.

Enactment of S. 1770 would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
*Director.*

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1770. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1770, as reported.

## EXECUTIVE COMMUNICATIONS

On March 9, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 1770. These reports had not been received at the time the report on S. 1770 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JAMES RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on this legislation.

We urge the Subcommittee to defer action on this bill as this study proposal has not been identified as a priority of the National Park Service. The National Park Service is in process of developing a list of priority studies nationwide, and we will certainly consider the study of the Shenandoah Valley Civil War sites among others considered for priority status. We intend to develop our program further through discussions among our professional staff and within the Administration. We also wish to work with Congress to achieve a consensus on methodology for setting study priorities. We want to be assured that our limited dollars are allocated to the most important natural and cultural resources.

Furthermore by submitting legislation to authorize a National Park Service study for possible inclusion of these sites in the park system, other possibilities for regional or state level alternatives for resource protection may be precluded.

The subject bill directs the Secretary of the Interior to conduct a study to assess the suitability and feasibility of including sites associated with the Civil War in the Shenandoah Valley as national park system units or affiliated areas. The bill specifies that two recognized Civil War historians participate in the study and that a report be forwarded to Congress in one year. An authorization of $150,000 to conduct the study is also included, as well as a requirement that the report consider the economic effects of including these sites in the National Park System.

We are aware of at least ten sites in the Shenandoah Valley that are associated with the Civil War, only two of which are currently interpreted to the public. One of these, the Cedar Creek battlefield, has been designated as a National Historic Landmark, and another, the New Market battlefield, is listed in the National Register. While some of these sites may have been studied in the past, no comprehensive examination of their national significance has been done, and we have little information about the current condition of these resources.

Should this study be completed, we question whether the study should be so narrowly focused as called for in this bill. Rather than consider only the possibility of including the sites as national park system units, or affiliated areas, the study should examine and make recommendations for a full range of options for their protection. It may be desirable for some of these sites to remain in private ownership, without affiliated status, and be protected through Historic Preservation Fund grants and technical assistance from the National Park Service.

We also object to the legislative specification of two Civil War historians. The National Park Service staff includes one of this nation's most eminent Civil War historians, and the normal peer review and public comment process should be more than adequate to assure Congress and the public of the validity of the study should this bill be enacted.

We further note that there are no funds included within the 1991 budget to complete this study.

Mr. Chairman that concludes my testimony. I would be pleased to answer any questions you may have.

## MINORITY VIEWS OF SENATORS McCLURE, WALLOP, MURKOWSKI AND GARN

Although the objective of the Bumpers amendment to S. 1770 is laudable, the method the Committee approved is cumbersome and unnecessary.

The type of commission being established is more appropriate for something such as the Public Land Law Review Commission or the Outdoor Recreation Resources Review Commission, where there is a need for interdisciplinary staff and a considerable number of studies done prior to a commission evaluating options. The situation with respect to the Civil War is completely different. For one thing, the War is long over and there will be no further engagements; and for another, there was a major study done in the 1920s and 1930s by the Department of War, known as the Landers Study, which identified the various military campaigns and which ranked their importance. Another factor is that the National Register already has 85 pages of Civil War battle sites. What might be more useful would be to have the Secretary of the Interior contact local and state governments, perhaps through state historic preservation officers, and obtain information about sites in that state or area with respect to the condition of and potential threats to those sites. Pulling together the existing information, which would be relatively simple, might not fully assess the gravity of potential threats, but it would identify current status. To the extent that the committee does not trust the professional judgment of the Park Service with respect to the relative importance of sites, an advisory commission could be established to do nothing more than provide the committee with its views on the inventory prepared by the Secretary. That objective could as easily be achieved by a letter from the Committee to a dozen or so historians asking for their comments. Another relevant point is that the Secretary of the Interior already has the authority to conduct such a study, and all that would be required is for the sponsors of the study to add sufficient funds to the FY 1991 Park Service budget.

There are several questions about the administrative provisions of the Commission which should have had the benefit of a hearing:

1. On compensation, the amendment says that members shall serve without compensation as such. Does this mean they can receive funds as long as it's not called compensation?

2. Apparently, there is no limitation on the compensation for any of the staff of the Commission, or on the number of staff the Commission may hire. Shouldn't we have some limitation? Why do we need new staff at all?

3. Section 6(c) provides that the Commission may procure services as authorized by 5 U.S.C. 3109(b), but at rates determined by the Commission to be reasonable. Does this mean that the Commission can simply ignore limitations and provide

compensation at whatever levels it feels appropriate? Again, why do we need a Commission rather than having, say, the Librarian of Congress appoint five or six noted historians to provide an independent analysis of the Secretary's inventory?

4. Section 7(c) provides that the Commission may authorize any member or agent of the Commission to take any action the Commission is authorized to take. What do we intend by "agent"? And how broad should this delegation be?

5. Section 7(d) provides that "notwithstanding any other provision of law, the Commission may seek and accept donation of funds, property, or services. . .". What are the provisions of law we are waiving, and do we really want this Commission to spend its time soliciting funds and donations? This appears to assume the Commission will be engaged in a much larger exercise than the limited mandate of inventorying all Civil War sites and assessing their relative importance and possible threats.

6. Section 7(e) provides "the Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money." What is this subsection intended to do?

7. What is there in section 8 which the Director of the National Park Service could not already do under current law?

8. If this is so important, why doesn't someone simply make a proposal in Appropriations to have the National Park Service undertake this activity to the exclusion of its other activities?

Also, although a particular site may be historically significant or even threatened, it may simply not be preservable. The Commission might rank that site as first on the list of priorities, but it might just not be feasible to protect it or acquire it. The Park Service is simply the most practical entity to conduct such a study and to evaluate both the extent of federal resources and the importance of that particular site within the Park Service interpretive program.

We also think that by doing such a study we may slow or preempt the activities of private entities or States doing activities of this type. There are many local groups, private entities, cities and states already preserving Civil War-related sites. The work they're doing is admirable and to be commended. However, we fear that a study of this type may be sending the wrong signal and may cause those groups to slow or cease their worthwhile activities in the hope that the federal government will fund those activities.

The amendment authorizing the nationwide study was not introduced until shortly before Committee markup, and there was no opportunity to have full, open, and informed discussion of its implications through the normal Committee process of holding hearings prior to reporting legislation to the full Senate. No expert witnesses from the Park Service or historic preservation organizations were called on to discuss the amendment's merits or to suggest ways in which the bill might be improved. The Committee holds hearings for a reason, and we would like to know what the Park

Service, as well as other organizations, thinks about this legislation.

We should seriously consider the method by which we are authorizing this commission and study, and think about using existing resources and studies. However, the objective itself is meritorious, and one which we would fully support if presented in a different manner.

JAMES A. MCCLURE.
MALCOLM WALLOP.
FRANK H. MURKOWSKI.
JAKE GARN.